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KERALA GAZETTE

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Law Department

NOTIFICATION

No. 6959|60|Law(B)3.

Dated, Trivandrum, 20th August 1960|29th Sravana, 1882.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 19th day of August, 1960.

By order of the Governor,

P. NARAYANASWAMI,
Law Secretary.

ACT 15 OF 1960

THE KERALA KHADI AND VILLAGE INDUSTRIES BOARD (AMENDMENT) ACT, 1960

An Act to amend the Kerala Khadi and Village Industries Board Act, 1957.

Preamble.—WHEREAS it is expedient to amend the Kerala Khadi and Village Industries Board Act, 1957, for the purposes hereinafter appearing;

BE it enacted in the Eleventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Khadi and Village Industries Board (Amendment) Act, 1960.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Amendment of section 2.*—In section 2 of the Kerala Khadi and Village Industries Board Act, 1957 (Act 9 of 1957), hereinafter referred to as the principal Act,—

(i) after clause (ii), the following clause shall be inserted, namely:—

"(ii-a) "Khadi and Village Industries Commission" means the Khadi and Village Industries Commission established under section 4 of the Khadi and Village Industries Commission Act, 1956 (Central Act 61 of 1956);";

(ii) after clause (iv), the following clause shall be inserted, namely:—

"(iv-a) "secretary" means the secretary to the Board appointed under sub-section (1) of section 10;".

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3. *Amendment of section 4.*—In section 4 of the principal Act,—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) (a) The Board shall consist of not less than five and not more than fifteen members including the chairman and the vice-chairman. The appointment of members except the chairman shall be made by the Government.

(b) The Minister in charge of the Industries Department shall be the chairman of the Board.

(c) The vice-chairman shall be appointed by the Government from among the non-official members of the Board.

(d) The Government shall appoint as members—

(i) only such non-officials as, in the opinion of the Government, have shown an active interest in the production and development of khadi or in the development of village industries; and

(ii) officials.";

(ii) in sub-section (3), for the words "The chairman and the other members", the words "The vice-chairman and the other members" shall be substituted.

4. *Amendment of section 6.*—In sub-section (1) of section 6 of the principal Act, in clause (a), the words "other than the office of secretary" shall be added at the end.

5. *Amendment of section 9.*—In section 9 of the principal Act, the words "the chairman or" in both the places where they occur shall be omitted.

6. *Insertion of new section 9A.*—After section 9 of the principal Act, the following section shall be inserted, namely:—

"9A. *Temporary association of persons with the Board for particular purposes.*—(1) The Board may associate with itself in such manner and for such purposes as may be determined by regulations any person whose assistance or advice it may desire in carrying out any of the provisions of this Act.

(2) A person associated with the Board under sub-section (1) shall not be deemed to be a member of the Board, and shall have no right to vote at any meeting thereof, but he may take part in the discussions of the Board relating to the purpose or purposes for which he was associated with the Board.

(3) The Government may, by order, depute one or more officers of the Government to attend any meetings of the Board and to take part in the discussions of the Board, but such officer or officers shall not have the right to vote.".

7. *Substitution of new section for section 10.*—For section 10 of the principal Act, the following section shall be substituted, namely:—

"10. *Secretary and other members of staff of Board.*—(1) The Government may appoint a person to be the secretary to the Board.

(2) The remuneration, allowances and other conditions of service of the secretary shall be such as may be prescribed.

(3) The secretary shall exercise such powers and discharge such duties as may be prescribed.

(4) The Board may appoint such other members of the staff of the Board as it may consider necessary.

(5) The remuneration, allowances and other conditions of service of the members of the staff of the Board, other than the secretary, shall be such as may be determined by regulations.".

8. *Substitution of new section for section 11.*—For section 11 of the principal Act, the following section shall be substituted, namely:—

"11. *Standing finance committee and other committees.*—(1) The Board may appoint a standing finance committee to exercise such powers and perform such functions relating to the finances of the Board as may be laid down by regulations.

(2) Subject to any rule made under section 33, the Board may, from time to time, appoint one or more other committee or committees for the purpose of securing the efficient discharge of its functions and in particular for the purpose of securing that the said functions are exercised with due regard to the circumstances and requirements of khadi or any particular village industry. Such committees may be appointed for any particular area.".

9. *Amendment of section 12.*—In section 12 of the principal Act,—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The chairman or, in his absence, the vice-chairman or, if he is also absent, such member as may be chosen by the members present from among themselves shall preside at a meeting of the Board.";

(ii) after sub-section (3), the following sub-section shall be added, namely:—

"(4) The proceedings of the meeting of the Board shall be forwarded to the Government within fifteen days of every meeting.".

10. *Amendment of section 14.*—In section 14 of the principal Act, for the words "the chairman and the other members", the words "the vice-chairman and the other members" shall be substituted.

11. *Amendment of section 15.*—In sub-section (2) of section 15 of the principal Act,—

(i) for clause (2), the following clauses shall be substituted, namely:—

"(2) to provide deserving persons with gainful employment in their homes through the organisation of khadi and village industries;

(2-a) to grant loans and give other assistance for the development of khadi and village industries;";

(ii) for clause (5), the following clause shall be substituted, namely:—

"(5) to arrange for the supply of raw materials, tools and implements to khadi and village industries and for the sale of their finished products;";

(iii) after clause (6), the following clause shall be inserted, namely:—

"(6-a) to carry on trading activities by way of running of emporia, neera bhavans, depots, manufacturing centres and the like;";

(iv) for clause (9), the following clause shall be substituted, namely:—

"(9) to encourage and promote research in the technique of production of khadi or in the development of village industries;".

12. *Amendment of section 16.*—In clause (i) of section 16 of the principal Act, after the existing proviso, the following further proviso shall be inserted, namely:—

"Provided, however, that the previous sanction of the Government shall not be necessary for any lease, sale or other transfer of immovable property to the Khadi and Village Industries Commission;".

13. *Insertion of new section 19A.*—After section 19 of the principal Act, the following section shall be inserted, namely:—

"19A. *Power of Board to alter scheme.*—The Board may with the previous approval of the Khadi and Village Industries Commission make any alteration in any scheme so long as the aggregate amount sanctioned for the scheme is not exceeded. A report of the alteration shall be sent to the Government in such form and within such time as may be prescribed.".

14. *Amendment of section 23.*—In section 23 of the principal Act, to sub-section (2), the following proviso shall be added, namely:—

"Provided that the previous sanction of the Government shall not be necessary to borrow any sum from the Khadi and Village Industries Commission.".

15. *Amendment of section 25.*—Section 25 of the principal Act shall be re-numbered as sub-section (1) of that section and, after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) No sum shall be expended by or on behalf of the Board unless such expenditure is covered by a specific provision in the budget approved by the Government under sub-section (1):

Provided that the Board may, within the limits of the budget, sanction any reappropriation from one head of expenditure to another or from a provision made for one scheme to that in respect of another.".

16. *Insertion of new sections 29A and 29B.*—After section 29 of the principal Act, the following sections shall be inserted, namely:—

"29A. *Recovery of arrears.*—If any amount due to the Board in accordance with the terms of a contract or otherwise or any sum payable in connection therewith, has not been paid, such amount or sum shall, without prejudice to any other remedy provided by law, be recoverable as arrears of land revenue under the Revenue Recovery Act for the time being in force.

29B. *Power to write off irrecoverable amount.*—The Board may write off any sum not exceeding one hundred rupees in each case, subject to an annual limit of two thousand rupees, if in its opinion such sum is irrecoverable.".

17. *Substitution of new section for section 30.*—For section 30 of the principal Act, the following section shall be substituted, namely:—

"30. *Power of Government to give directions.*—In the discharge of its functions under this Act the Board shall be bound by such directions as may be given to it by the Government.".

18. *Amendment of section 33.*—In sub-section (2) of section 33 of the principal Act,—

(i) after clause (a), the following clause shall be inserted, namely:—

"(aa) the remuneration, allowances and other conditions of service of, and the powers to be exercised and the duties to be discharged by, the secretary;";

(ii) in clause (c), for the words "the chairman and the other members", the words "the vice-chairman and the other members" shall be substituted.

19. *Amendment of section 34.*—In sub-section (2) of section 34 of the principal Act,—

(i) in clause (b), the words "other than the secretary" shall be added at the end;

(ii) in clause (c), the words "other than the secretary" shall be added at the end;

(iii) for clause (d), the following clauses shall be substituted, namely:—

"(d) the powers and functions of the standing finance committee appointed under sub-section (1) of section 11 and the procedure to be followed by that committee in the exercise of its powers and the discharge of its functions;

(e) the functions of the committees appointed under sub-section (2) of section 11 and the procedure to be followed by such committees in the discharge of their functions;

(f) the maintenance of the minutes of the meetings of the Board and the transmission of copies thereof to the Government.".
